

REMARKS

This application has been reviewed in light of the Office Action dated October 1, 2002. Claims 1-5, 8-12, 17, and 30-37 are presented for examination, of which Claims 1, 8, 17, 30, and 34 are in independent form. Claims 6, 7, 13-16, and 18 have been cancelled, without prejudice or disclaimer of the subject matter presented therein. New Claims 30-37 have been added to provide Applicants with a more complete scope of protection. Favorable reconsideration is requested.

Claims 1-18 and "31-40" stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse the rejections for the following reasons.

Firstly, the present application is a division of Application No. 09/024,187 ("the '187 application"), now U.S. Patent No. 6,298,405. The '187 application was originally filed with 29 claims. In the present divisional application, Claims 19-29 were canceled in the Preliminary Amendment submitted on July 13, 2001, and no new claims were added prior to the present Amendment. Therefore, rejected Claims "31-40" do not exist in the present application.

Secondly, section 3 of the Office Action, on page 2, refers to "claim 15 on page 96" and states that such claim recites: "A data communication apparatus according to claim 14, wherein said control means controls . . ." Applicants respectfully submit that there is no page 96 in the specification and, further, Claim 15 does not recite what section 3 of the Office Action alleges it to recite. Instead, Claim 15 of the present application recites: "A data communication system according to claim 13, wherein said communication control bus includes an IEEE 1394 serial bus."

Additionally, section 3 of the Office Action, on page 2, refers to "claim 38" which, as discussed above, does not exist in the present application.

Further, section 3 of the Office Action, on page 3, states that Claim 7 recites: "A data communication apparatus according to claim 1, wherein communication using the first mode . . ." Applicants respectfully submit that Claim 7 does not recite what section 3 of the Office Action alleges it to recite. Instead, Claim 7 of the present application recites: "A data communication method according to claim 6, further comprising a step of displaying an alarm message at said first node upon entry of one of said predetermined instructions at said first node during said data transmission."

Further, section 3 of the Office Action, on page 3, states that Claim 16 recites: "A data communication apparatus according to claim 14, wherein the still image information is contained in the moving image information." Applicants respectfully submit that Claim 16 does not recite what section 3 of the Office Action alleges it to recite. Instead, Claim 16 of the present application recites: "A data communication system according to claim 13, wherein said first node is an image data supply source and said second node is a printer."

Accordingly, Applicants respectfully submit that all of the indefiniteness rejections are improper. (Please note that the cancellation of Claims 7, 15, and 16 is not in response to the indefiniteness rejections or any other rejections in the Office Action.)

The Office Action rejected Claims 1-18 and "31-40" under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,969,750 (Hsieh et al.). Cancellation of Claims 6, 7, 13-16, and 18 renders their rejections moot. The Office Action further rejected Claim 9 under § 103(a) as being unpatentable over Hsieh et al. in view of the publication "IEEE Standard for a

High Performance Bus" ("IEEE 1394). Applicants respectfully traverse the rejections for at least the following reasons.

Firstly, as discussed above, Claims "31-40" do not exist in the present application.

Further, section 5 of the Office Action, on page 4, apparently alleges that Claim 1 is an apparatus claim. Applicants respectfully submit, however, that Claim 1 is a method claim. Also, nothing in section 5 of the Office Action addresses the inhibiting step or the providing step of independent Claim 1.

Furthermore, section 5 of the Office Action, on page 5, apparently alleges that Claim 8 is dependent on Claim 1. Applicants respectfully submit, however, that Claim 8 is an independent claim. Also, nothing in section 5 of the Office Action addresses any of the instruction, reception, transmission, and control features of Claim 8.

Additionally, section 5 of the Office Action, on page 7, states that Claim 17 "contains the same limitations recited in claim 12." Applicants respectfully submit, however, that Claims 17 and 12 do not contain the same limitations, as clearly evident from the text of those claims (see the list of claims above). Also, nothing in section 5 of the Office Action addresses the feature of inhibiting entry of predetermined instructions or the feature of providing a predetermined message, as claimed in independent Claim 17.

Accordingly, Applicants submit that independent Claims 1, 8, and 17 are not anticipated by Hsieh et al., and respectfully request withdrawal of the rejections under 35 U.S.C. § 102(e). New independent Claims 30 and 34 include features similar to those discussed above in connection with Claim 17, and also are believed to be patentable for at least the same reasons

as discussed above.

The other claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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